

Permitting and Assistance Branch Staff Report
New Major Waste Tire Facility Permit for
Rubber Recovery, Inc.
TPID No. 1620515
December 29, 2016

Background Information and Analysis:

This report was developed in response to an application for a New Major Waste Tire Facility Permit (WTFP) received from the owner and operator, Robert H. Davis of Rubber Recovery, Inc., located at 10672 Suite B Calabash Avenue, in the City of Fontana. Currently, Rubber Recovery, Inc. is operating under a Minor WTFP that allows a maximum capacity of 4, 999 waste tires and/or waste tire equivalents on site. The property site is 2.52 acres with approximately 7,500 square feet of existing structures, located within a Light Industrial zone (M-1).

An application for a New Major WTFP was received by Permitting and Assistance Branch staff on July 11, 2016 and accepted as complete on July 20, 2016. Pursuant to Title 14, California Code of Regulations (14 CCR), Section 18425, CalRecycle has 180 calendar days from the date the application is accepted as complete and correct to either issue or deny the issuance of a Major WTFP. CalRecycle is required to act by January 16, 2017.

Findings:

Staff recommends approval of the issuance of the proposed WTFP. All of the required submittals and findings required by 14 CCR Sections 18423(b) and Section 18431 have been met to support issuance. The findings that are required to be made by CalRecycle when reaching a determination are summarized in the table below. The documents on which staff's findings are based are permanently maintained by the Waste Permitting, Compliance, and Mitigation Division.

The following table summarizes staff's findings relative to the permit application:

	Findings	
Compliance with Tire Storage Standards - 14 CCR Sections 17350-17356	Tire enforcement staff of the Waste Evaluation and Enforcement Branch (WEEB) conducted an inspection of the facility on July 13, 2016, and no violations were cited. See Compliance History below for details.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
Application Forms (500-504) - 14 CCR Sections 18431(a) through (f)	All application forms were accepted by Permitting and Assistance Branch (PAB) staff as complete and correct on July 20, 2016.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
Financial Assurance Mechanisms & Operating Liability - 14 CCR Section 18431(g)	PAB staff in the Financial Assurances Unit found the Financial Assurances documentation for closure of the facility and operating liability in compliance as described in their memorandum dated December 7, 2016.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable

Local Requirements - 14 CCR Section 18431(h)	<p><i>Local Vector Control:</i> The operator obtained vector control authority approval from Mr. Jason Phillippe of the San Bernardino County Public Health - Mosquito & Vector Control Program on May 13, 2016.</p> <p><i>Local Fire Authority:</i> Mr. Maurice Moore of the San Bernardino County Fire Department – Fontana Fire Protection District approved the fire prevention measures and waste tire storage plan for outdoor waste tire/ passenger tire equivalents storage on June 20, 2016.</p>	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
California Environmental Quality Act (CEQA)	PAB staff determined that the issuance of the New Major WTFP is categorically exempt from the requirements of CEQA. See Environmental Analysis below for details.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
Reviewed by: CalRecycle Legal Office	December 28, 2016	
Waste Evaluation and Enforcement Branch	July 21, 2016	

Compliance History:

An inspection was conducted by CalRecycle WEEB and PAB staff on July 13, 2016. The facility is currently operating under the minor WTFP. During the inspection of the facility, less than 4999 waste tires were observed on-site. The manifests were reviewed and confirmed in the Waste Tire Management System (WTMS). No violations were noted at the time of inspection.

Below are the details of the facility's compliance history based on CalRecycle's inspection reports during the last five years:

- 2016 (May) - One violation of Public Resources Code (PRC) Section 42834 – Minor Waste Tire Facility Permit and 14 CCR 18423 – Permit Application Filing.
- 2013 – 2015 – No inspections.
- 2012 (January) – One violation of PRC 42834 – Minor Waste Tire Facility Permit.
- 2011 (December) – One violation of PRC 42834 – Minor Waste Tire Facility Permit.

All violations have since been corrected.

Environmental Analysis:

Under CEQA, CalRecycle must consider, and avoid or substantially lessen where possible, any potentially significant environmental impacts of the proposed New Major WTFP before CalRecycle issues the permit. In this case, CalRecycle is a lead agency under CEQA and must make a determination as to whether this proposed WTFP is categorically or statutorily exempt or additional CEQA analysis is necessary in the form of a Negative Declaration or Environmental Impact Report.

The proposed project is for the outdoor storage of up to 34,000 waste tires/passenger tire equivalents. This proposal is considered to be a project under CEQA [CEQA Guidelines 15378(a)(3)] and the facility is required to obtain a WTFP pursuant to 14 CCR Section 18420.

In 2015 this facility was annexed from the County of San Bernardino into the City of Fontana. The zoning designation in the County of San Bernardino was Industrial Community. The zoning designation in the City of Fontana is Light Industrial. This land use is consistent with the City of Fontana's General Plan zoning designation as stated in a letter dated October 12, 2016 from the City of Fontana's Planning Division to Rubber Recovery, Inc..

CalRecycle staff determined that the project is statutorily exempt pursuant to Public Resources Code (PRC) Section 21083.3 - General Plan Consistency. The City of Fontana General Plan 2003 Environmental Impact Report (EIR), State Clearinghouse No. 2003031083, describes and supports the design and operation which will be authorized by the issuance of this proposed Major WTFP.

Staff recommends that CalRecycle, acting as the Lead Agency under CEQA, prepare a Notice of Exemption (NOE) based on this Statutorily Exemption for General Plan Consistency to be filed with the State Clearinghouse after CalRecycle's issuance of the Major WTFP.

Staff further recommends the Statutorily Exemption is adequate for the Branch Chief's environmental evaluation of the proposed project for those project activities which are within CalRecycle's expertise and authority, or which are required to be carried out or approved by CalRecycle.

The administrative record for the decision to be made by CalRecycle includes the proposed New Major WTFP and all of its components and supporting documentation, this staff report, and other documents and materials utilized by CalRecycle in reaching its decision on issuing this WTFP. The custodian of CalRecycle's administrative record is Ryan Egli, Legal Office, Department of Resources Recycling and Recovery, P.O. Box 4025, Sacramento, CA 95812-4025.

Public Comment

CalRecycle staff provided an opportunity for public comment during CalRecycle's Monthly Public Meetings on August 16, 2016, September 20, 2016, October 18, 2016, November 15, 2016 and December 20, 2016. No written or oral public comments have been received by CalRecycle staff.

Attachment: Major WTFP